

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte ROGER BREDOW, JONATHAN DUNFEE, JAMES EVERETT SAPP,  
and MATTHEW BUNKLEY TREVATHAN

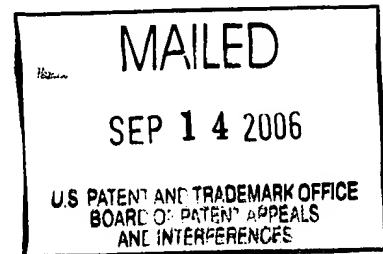
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Appeal No. 2006-1456  
Application No. 09/896,802

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ON BRIEF

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Before RUGGIERO, MACDONALD and HOMERE, Administrative Patent Judges.

MACDONALD, Administrative Patent Judge.

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 1-29

**Invention**

Appellants' invention relates to a method and programmable media for enabling a viewer to move from page to page among linked web pages by operating a scrolling mouse. Appellants' specification at page 1, lines 5-6.

Claims 1 and 3 are representative of the claimed invention and are reproduced as follows:

1. A method for browsing a set of linked web pages, comprising the steps of:

- detecting scrolling output;
  - responsive to the scrolling output, determining a URL of a web page; and
  - accessing the web page by a web browser.
3. A method for using a scroll mouse to browse a set of linked web pages, comprising the steps of:
- displaying a source page that is a member of a set of linked web pages;
  - detecting scrolling output of a scroll mouse while the source page is displayed;
  - determining a sense of direction of the scrolling output;
  - responsive to the sense of direction, determining a URL associated with a destination page that is member of the set of linked web pages; and
  - accessing the destination web page by a web browser.

### **References**

The references relied on by the Examiner are as follows:

Bates	5877766	Mar. 2, 1999
Armstrong	6198473	Mar. 6, 2001
Cheng	6211878	Apr. 3, 2001
Barros	6307573	Oct. 23, 2001
Smailagic	6567079	May 20, 2003

### **Rejections at Issue**

Claims 1, 14, 27 and 29 stand rejected under 35 U.S.C. § 102 as being anticipated by Cheng.

Claims 2-4, 8-13, 15-17, 21-26, and 28 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Cheng and Armstrong.

Claims 5 and 18 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Cheng, Armstrong, and Smailagic.

Claims 6 and 19 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Cheng, Armstrong, and Barros.

Claims 7 and 20 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Cheng, Armstrong, and Bates.

Throughout our opinion, we make references to the Appellants' briefs, and to the Examiner's Answer for the respective details thereof.<sup>1</sup>

### **OPINION**

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellants and the Examiner, for the reasons stated infra, we affirm the Examiner's rejection of claims 1, 14, 27, and 29 under 35 U.S.C. § 102; and we affirm the Examiner's rejection of claims 2-13, 15-26, and 28 under 35 U.S.C. § 103.

Appellants have argued the claims in eight groupings as follows:

Claims 1, 14, and 27 as Group I;

Claim 29, as Group II;

Claims 2 and 15 as Group III;

Claims 3-4, 9, 12-13, 16-17, 22, 25-26, and 28 as Group IV;

Claims 8, 10-11, 21, and 23-24 as Group V;

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<sup>1</sup> Appellants filed an appeal brief on Aug. 4, 2005. Appellants filed a reply brief on Jan. 30, 2006. The Examiner mailed an Examiner's Answer on Nov. 30, 2005.

Claims 5 and 18 as Group VI; and

Claims 6 and 19 as Group VII; and

Claims 7 and 20 as Group VIII.

See pages 5-15 of the brief. We will, thereby, consider Appellants' claims as standing or falling together in the eight groups noted above, and we will treat:

Claim 1 as a representative claim of Group I;

Claim 3 as a representative claim of Group IV; and

Claim 8 as a representative claim of Group V.

**I. Whether the Rejection of Claims 1, 14, and 27 Under 35 U.S.C. § 102 is proper?**

It is our view, after consideration of the record before us, that the disclosure of Cheng does fully meet the invention as recited in claims 1, 14, and 27. Accordingly, we affirm.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. See In re King, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

With respect to independent claim 1, Appellants argue at pages 6-7 of the brief, that claim 1 is patentable because the connections between the boxes of Cheng's Figure 1 fail to teach determining the URL of a web page responsive to

the scrolling output. We disagree. Column 8, lines 10-15, of Cheng explicitly teaches moving from hyperlink (URL) to hyperlink (URL) using the scroll wheel. Appellants also argue at page 8 that Cheng teaches only navigating a single web page as opposed to a linked set of web pages. We disagree. Column 1, lines 10-15, of Cheng explicitly teaches that Cheng is directed to the internet.

At page 10 of the brief, Appellants argue that "if receipt of a scrolling signal causes operations to move from box 46 to box 54, it is axiomatic that receipt of such a scrolling signal does not cause operations to move from box 46 to box 45." We disagree. It is not axiomatic because the move from box 46 to any other box is condition based and nothing requires that all conditions cause the move to be from box 46 to box 54 to the exclusion of box 45.

Therefore, we will sustain the Examiner's rejection under 35 U.S.C. § 102.

## **II. Whether the Rejection of Claim 29 Under 35 U.S.C. § 102 is proper?**

It is our view, after consideration of the record before us, that the disclosure of Cheng does fully meet the invention as recited in claim 29. Accordingly, we affirm.

With respect to dependent claim 29, Appellants argue at page 11 of the brief, that claim 29 is patentable because entering the Display Previous Page Mode of Cheng does not determine the URL of the web page in response only to a scrolling output. We disagree. As already pointed out by this Board, Column 8

of Cheng describes determining a hyperlink ("move from hyperlink 'link 1' to hyperlink 'link 2'") responsive to activation of a scroll wheel.

Therefore, we will sustain the Examiner's rejection under 35 U.S.C. § 102.

**III. Whether the Rejection of Claims 2 and 15 Under 35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 2 and 15. Accordingly, we affirm.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. See also Piasecki, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. “In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. “[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency’s conclusion.” In re Lee, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to dependent claims 2 and 15, Appellants merely repeat the argument made with respect to claim 1. We have already addressed that argument above and found it unpersuasive.

Therefore, we will sustain the Examiner’s rejection under 35 U.S.C. § 103.

**IV. Whether the Rejection of Claims 3-4, 9, 12-13, 16-17, 22, 25-26, and 28 Under 35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 3-4, 9, 12-13, 16-17, 22, 25-26, and 28. Accordingly, we affirm.

With respect to dependent claim 3, Appellants again argue at page 13 of the brief that Cheng fails to teach “a set of linked web pages.” As we have previously discussed, we disagree as Cheng is explicitly directed to navigating

the internet. Appellants also again argue that Cheng does not teach determining a URL responsive to a scrolling output. As previously discussed, we disagree. Further, although Appellants state that Cheng does not teach or disclose “sense of direction of a scrolling output” as claimed, Appellants fail to present any argument as to why the Examiner’s obviousness reasoning on this point is erroneous.

Therefore, we will sustain the Examiner’s rejection under 35 U.S.C. § 103.

**V. Whether the Rejection of Claims 8, 10-11, 21, and 23-24 Under 35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 8, 10-11, 21, and 23-24. Accordingly, we affirm.

With respect to dependent claim 8, Appellants argue at pages 14-15 of the brief, that Cheng fails to teach that “the scrolling output may be used to scroll through the web pages that correspond to [buttons].” We disagree. As already discussed, column 8, lines 10-15, of Cheng explicitly teaches moving from hyperlink (URL) to hyperlink (URL) using the scroll wheel. Further, this portion of Cheng teaches that the moving can be alternatively activated by the scroll wheel or scroll switch (i.e., buttons). Thus, Cheng teaches the claimed correspondence or association. We note that Appellants label the claimed buttons in with

particular descriptive labels (i.e., next, previous, forward, back). However, such labels fail to change the function or structure of the recited buttons and fail to distinguish over Cheng.

Appellants argue at page 6 of the reply brief that although Cheng teaches using scrolling output for moving between hyperlinks, Claim 8 is patentable because Cheng does not teach using the scrolling output to both determine the URL and access the web page associated with the hyperlink. We disagree. No limitation in either claim 3 or claim 8 requires that the scrolling output implements the accessing. Rather, the claim 3 and claim 8 are silent as to what implements the accessing.

Therefore, we will sustain the Examiner's rejection under 35 U.S.C. § 103.

**VI. Whether the Rejection of Claims 5 and 18 Under 35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 5 and 18. Accordingly, we affirm.

With respect to dependent claims 5 and 18, Appellants merely repeat the argument made with respect to claim 1. We have already addressed that argument above and found it unpersuasive.

Therefore, we will sustain the Examiner's rejection under 35 U.S.C. § 103.

**VII. Whether the Rejection of Claims 6 and 19 Under 35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 6 and 19.

Accordingly, we affirm.

With respect to dependent claims 6 and 19, Appellants merely repeat the argument made with respect to claim 1. We have already addressed that argument above and found it unpersuasive.

Therefore, we will sustain the Examiner's rejection under 35 U.S.C. § 103.

**VIII. Whether the Rejection of Claims 7 and 20 Under 35 U.S.C. § 103 is proper?**

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 7 and 20.

Accordingly, we affirm.

With respect to dependent claims 7 and 20, Appellants merely repeat the argument made with respect to claim 1. We have already addressed that argument above and found it unpersuasive.

Therefore, we will sustain the Examiner's rejection under 35 U.S.C. § 103.


### Conclusion

In view of the foregoing discussion, we have sustained the rejection under 35 U.S.C. § 102 of claims 1, 14, 27, and 29; and we have sustained the rejection under 35 U.S.C. § 103 of claims 2-13, 15-26, and 28.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

### AFFIRMED

  
JOSEPH F. RUGGIERO  
Administrative Patent Judge

  
ALLEN R. MACDONALD  
Administrative Patent Judge

  
JEAN R. HOMERE  
Administrative Patent Judge

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